

ISIP018US

REMARKS*Election*

In response to the restriction issued on February 5, 2004,
5 applicant hereby elects group 1, containing claims 1-13, 15-35,
and 37-44.

Amendment and Traversal

The February 5, 2004 restriction was issued under MPEP §
10 806.05(d).

In issuing the restriction, examiner states that
"[i]nventions group one and group two are related as
subcombinations disclosed as usable together in a single
combination. The subcombinations are distinct from each other if
15 they are shown to be separately usable. In the instant case,
invention group two has separate utility such as an optical disk
recording and reproducing apparatus *which does not require an
electronically controlled diffraction grating element*. See MPEP §
806.05(d)."

20 As amended, the group II claim, claim 45, now reads in
pertinent part: ". . . causing said light signal to strike said
detector in a manner that comprises at least two individual
diffractive orders *diffracted by an electronically reconfigurable
diffraction grating . . .*"

25 With this amendment, it is no longer possible to use the
group II invention in "an optical disk recording and reproducing
apparatus which does not require an electronically controlled

ISIP018US

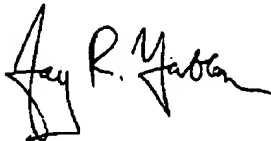
diffraction grating element" because amended claim 45 specifically sets forth that the light striking the detector is "diffracted by an electronically reconfigurable diffraction grating." The restriction is thereby traversed.

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Conclusion

Applicant respectfully requests entry of the above noted election, withdrawal of the February 5, 2004 restriction following the amendment of claim 45 and traversal as set forth above, and looks forward to action on both groups of claims, on the merits, in the near future.

Respectfully submitted,



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